

DIVORCE WITHOUT CHILDREN

For Respondent Only

3

Response

**Part 3: Respond to a Divorce Petition
(Forms Packet)**

©Superior Court of Arizona in Maricopa County
March 12, 2001
ALL RIGHTS RESERVED
DRDA3fc - 5014



SELF SERVICE CENTER
DIVORCE WITHOUT CHILDREN FOR A NON-COVENANT MARRIAGE
FOR RESPONDENT ONLY

PART 3 -- RESPONSE TO A PETITION

How to assemble these documents

This packet contains court forms about how to respond to a dissolution (divorce) petition for a non-covenant marriage without children. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRDA3ft	Table of forms in this packet	1
2	DRDA3k	Checklist to file	1
3	DRDA31f	<i>“Response”</i>	6
4	DRAD10f	<i>“Alternative Dispute Resolution Statement to the Court”</i>	2

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF SERVICE CENTER

RESPONSE TO PETITION AND PAPERS FOR DIVORCE -- WITHOUT CHILDREN

CHECKLIST

Use the forms and instructions in this packet **ONLY** the following factors apply to your situation:

- ✓ You want to file a **“Response”** to a petition for divorce for a non-covenant marriage. (If you have a covenant marriage **or** aren't sure if you have a covenant marriage or not, see a lawyer for help), **AND**
- ✓ You and your spouse have **no** children with each other **AND** the wife is **not** pregnant by the husband **or** will not be pregnant by the husband before the divorce is over.

READ ME: It is very important for you to know that when you sign any court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Your Name:
Your Address:
Your City, State, Zip Code:
Your Telephone Number:
ATLAS Number (if applicable):
Attorney Bar Number (if applicable):
Representing ☐ Self (Without an Attorney) OR Attorney for ☐ Petitioner OR ☐ Respondent

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

Name of Petitioner

Case Number: _____

**RESPONSE TO "DISSOLUTION OF
MARRIAGE - (DIVORCE) WITHOUT
CHILDREN"**

Name of Respondent

STATEMENTS MADE TO THE COURT, UNDER OATH:

1. INFORMATION ABOUT MY SPOUSE, THE PETITIONER:

Name: _____
Address: _____
Date of Birth: _____ Social Security Number: _____
Job Title: _____
Starting with today, number of months/years in a row, you, Petitioner, have lived in Arizona: _____

2. INFORMATION ABOUT ME, THE RESPONDENT:

Name: _____
Address: _____
Date of Birth: _____ Social Security Number: _____
Job Title: _____
Starting with today, number of months/years in a row the Respondent has lived in Arizona: _____

3. INFORMATION ABOUT MY MARRIAGE: (Check the boxes that apply.)

Date of Marriage: _____
City and state or country where we were married: _____
☐ We do not have or ☐ We do have a covenant marriage. **If you disagree with what your spouse said regarding the type of marriage you have, you should attach a copy of your marriage license to show what kind of marriage you have.**

4. 90 DAY REQUIREMENT: (Check the boxes that apply.)

☐ I or ☐ my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before this action was filed or ☐ I or ☐ my spouse have not lived, or have not been stationed while a member of the Armed Forces, in Arizona for at least 90 days before this action was filed.

5.a. COMMUNITY PROPERTY: (Check one box.)

☐ My spouse and I did not acquire any community property during the marriage, **OR**
☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

<input type="checkbox"/>	Real estate located at:	Petitioner	Respondent	Value
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	Legal Description: _____			

<input type="checkbox"/>	Real estate located at:			\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	
	Legal Description: _____			

<input type="checkbox"/>	Household furniture and appliances:	Petitioner	Respondent	Value
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/>	Household furnishings:	Petitioner	Respondent	Value
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/>	Other items:	Petitioner	Respondent	Value
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/>	Pension/retirement fund/profit sharing/stock plan/401K:	Petitioner	Respondent	Value
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
<input type="checkbox"/>	Motor vehicles:	Petitioner	Respondent	Value
	Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
	Model _____			
	VIN _____			
	Lien Holder _____			

	Petitioner	Respondent	Value
Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model _____			
VIN _____			
Lien Holder _____			

5.b. SEPARATE PROPERTY: (Check all boxes that apply.)

- ☐ I do not have any property that I brought into the marriage or separate property.
- ☐ My spouse does not have any property that he or she brought into the marriage or separate property.
- ☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described below.
- ☐ My spouse has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of Separate Property	Petitioner	Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

6.a. COMMUNITY DEBTS: (Check one box.)

- ☐ My spouse and I did not incur any community debts during the marriage, OR
- ☐ We should divide the responsibility for the debts incurred during the marriage as follows:

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

6.b. SEPARATE DEBTS: (Check all boxes that apply.)

- ☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt, **OR**
- ☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below.
- ☐ My spouse has separate debt or debt that he or she or incurred prior to the marriage that should be paid by my spouse as described below.

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

7. TAX RETURNS: (Check this box if this is what you want).

☐ After the Judge or Commissioner signs the Decree of Dissolution of Marriage (Divorce), we will pay federal and state taxes as follows: For previous years (the years we were married, not including the year the Decree was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds. For the calendar year (the year that the Decree is signed) and all future calendar years, each party will file separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

8. SUMMARY OF WHAT I ASK FOR ON PROPERTY AND DEBTS THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Here summarize what is different between your plan for division of property and debt and what your spouse asked for.) _____

9. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY): (Check the box that applies to you.)

- ☐ Neither party is entitled to spousal maintenance/support (alimony), OR
- ☐ Petitioner OR ☐ Respondent is entitled to spousal maintenance/support because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal support.)
- ☐ Person lacks sufficient property to provide for his/her reasonable needs;
- ☐ Person is unable to support himself /herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself/herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

10. SUMMARY OF WHAT I WANT REGARDING SPOUSAL MAINTENANCE/SUPPORT THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION:

(Summarize here what is different from your plan for spousal maintenance/support than what your spouse asked for in the Petition.)

11. PREGNANCY:

- ☐ Wife is **not** pregnant, OR
- ☐ Wife is pregnant
- The baby is due on _____ (date), (and, check one box below):
- ☐ The Petitioner and Respondent are the parents of the child, OR
- ☐ Petitioner is **not** the parent of the child, OR
- ☐ Respondent is **not** the parent of the child.

WARNING. If wife is pregnant and the Petitioner and the Respondent are the parents of the child, STOP. YOU MUST FILE THE PAPERS FOR DIVORCE WITH CHILDREN.

12. OTHER STATEMENTS TO THE COURT UNDER OATH: (Check the boxes that apply.)

- ☐ My marriage is irretrievably broken and there is no reasonable prospect of reconciliation. (My marriage is over.)

- ☐ My marriage is not irretrievably broken and there is a reasonable prospect of reconciliation. (My marriage is not over.)
- ☐ My spouse and I have attempted to resolve our problem by using Conciliation Services, or going to Conciliation Services to try to resolve our problems would not work.
- ☐ My spouse and I have not tried to resolve our problems by using Conciliation Services, or going to Conciliation Services to try to resolve our problems would work.

13. GENERAL DENIAL: I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

- ☐ Dissolve our marriage and return each party to the status of a single person; OR
- ☐ Dismiss this case and refuse to dissolve the marriage due to my answers above.

B. NAMES:

Restore ☐ wife ☐ husband to her or his former name of _____

WARNING: If you are not the person who is requesting to have your former name restored, the court must have a written request from the party who wants his or her name restored to change the name.

C. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

☐ Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐ Respondent through the Clerk of the Court/Clearinghouse in the amount of \$ _____ per month, and the statutory fee, beginning with the first day of the month after the judge or commissioner signs the Decree of Dissolution and continuing until the person receiving spousal maintenance/support is remarried or deceased, or for a period of _____ months.

D. COMMUNITY PROPERTY:

☐ Make a fair division of all community property as requested in this Petition.

E. COMMUNITY DEBTS:

☐ Order each party to pay community debts as requested in the Petition, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by him or her since the parties separation on (date): _____ or the date the Respondent was served with the Petition for Dissolution.

F. SEPARATE PROPERTY and SEPARATE DEBT:

☐ Award each party his or her separate property and order each party to pay his or her separate debt.

G. OTHER ORDERS I AM REQUESTING: (Explain request here.)

OATH AND VERIFICATION OF RESPONDENT

STATE OF _____)
County of _____) ss.

I, the Respondent, being duly sworn and under oath, state that I have read this Response. All the statements in the Response are true, correct, and complete to the best of my knowledge and belief.

SIGNED: _____
Respondent's Signature

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, by

_____.
(Respondent's name)

My Commission Expires:

NOTARY PUBLIC: _____

ATLAS Number: (if applicable)
Attorney for Petitioner: (if applicable)
Attorney's Bar Number and Email (if applicable)
Attorney for Respondent: (if applicable)
Attorney's Bar Number and Email (if applicable)

**THE SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY
FOR USE IN FAMILY COURT CASES ONLY**

Name of Petitioner (Please PRINT)	Case Number: ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT A.R.C.P. 16(g)(2) Check Appropriate Box Below: <input type="checkbox"/> Petitioner's Statement <input type="checkbox"/> Respondent's Statement <input type="checkbox"/> Joint Statement (signed by both parties)
Name of Respondent (Please PRINT)	

As required by Rule 16(g)(2) of the Arizona Rules of Civil Procedure, and under penalty of perjury, the responses below are true to the best of my/our knowledge and belief.

1. Have you and the other party discussed, in person or by telephone, the possibility of settling your case, and whether you might benefit from participating in some form of alternative dispute resolution (ADR)? (Check only one.)
- ☐ (a) YES, and I/we have checked our ADR choices under Number 2, on page 2.
- ☐ (b) YES, but we are not sure which ADR option best fits our situation. (Go to Number 2.)
- ☐ (c) YES, but I/we feel ADR would not be appropriate because: (Check all that apply.)
- ☐ A court Order of Protection or Injunction Against Harassment prohibiting contact is in effect.
- ☐ There is a fear of violence.
- ☐ Other reasons (Please Explain): _____
- _____
- ☐ (d) NO, we have not discussed, because: (Check all that apply. Then go to Number 2.)
- ☐ A court Order of Protection or Injunction Against Harassment prohibiting contact is in effect.
- ☐ There is a fear of violence.
- ☐ Other reasons (Please Explain): _____
- _____

2. Please indicate in the next section which ADR option(s), *if any*, you prefer. Only check boxes in the column that is appropriate for you: If you are the Petitioner, only check boxes in the column for the Petitioner; if you are the Respondent, only check boxes in the column for the Respondent. If both parties are signing this document, make sure each party checks only their own choices. If both boxes are checked, the Court assumes you both agree to that option.

See the separate instructions for an explanation of each of these options.

I am/we are unsure which ADR option is best for our situation. I/we request a (free) conference with a court appointed ADR specialist to discuss options.	Petitioner	Respondent
	<input type="checkbox"/>	<input type="checkbox"/>
Court Sponsored: We wish to use the court sponsored ADR services below.		
Mediation of custody and/or parenting time through Conciliation Services	<input type="checkbox"/>	<input type="checkbox"/>
Expedited Services for child support, spousal maintenance, custody, parenting time (visitation), grandparent visitation	<input type="checkbox"/>	<input type="checkbox"/>
Settlement conference using a judicial officer	<input type="checkbox"/>	<input type="checkbox"/>
Private ADR: We wish to hire and pay for the private ADR services below.		
Mediation of all disputed issues using a private ADR provider	<input type="checkbox"/>	<input type="checkbox"/>
Arbitration of all disputed issues using a private ADR provider	<input type="checkbox"/>	<input type="checkbox"/>
Settlement conference using a private ADR provider	<input type="checkbox"/>	<input type="checkbox"/>
Other private ADR services. What type? _____	<input type="checkbox"/>	<input type="checkbox"/>

3. If any private ADR services were checked above, the name, address and phone number of that private provider, **if known at this time**, is:

Name

Address

Address cont. Phone

4. We expect to complete the ADR service(s) (court provided or private) by: _____.
Month/Day/Year

Sign and print **your own** name below. **DO NOT** write the **other party's** name or signature.

Petitioner's Signature Date

Respondent's Signature Date